

BEFORE THE  
POSTAL REGULATORY COMMISSION  
WASHINGTON, D.C. 20268-0001

---

Mail Processing Network Rationalization  
Service Changes, 2012

---

Docket No. N2012-1

AMERICAN POSTAL WORKERS UNION, AFL-CIO,  
MOTION FOR ACCESS TO  
NON-PUBLIC INFORMATION IDENTIFIED  
AS USPS-LR-N2012-1/NP7 and NP8  
(January 13, 2012)

Pursuant to 39 CFR 3007.40 and Rule 21 of the Commission's Rules of Practice and Procedure, the American Postal Workers Union, AFL-CIO (APWU) hereby moves for access Postal Service Library Reference USPS-LR-N2012-1/NP7, Material Supporting Responses of Postal Service Witness Martin to Interrogatories of the Public Representative (PR/USPS-T6-7, 8 and 10) and Library Reference USPS-LR-N2012-1/NP8, containing excerpted material from 14 AMP studies.

The Postal Service submitted Library Reference USPS-LR-N2012-1/NP7 on January 6, 2012, accompanied by an Application for non-public treatment. In its Application, the Postal Service explains that "the materials covered by this application consist of data that reveal average daily volumes (ADVs) of First-Class Mail (FCM) carried between specific 3-digit ZIP Code origin and destination pairs and between specific facilities in the Postal Service's processing network."<sup>1</sup> The Postal Service states that Library Reference USPS-LR-N2012-1/NP7 contains "commercial information revealing the volumes of First-Class Mail originating or delivered within the service areas of specific postal mail processing facilities which, under good business practice, would not be disclosed publicly."<sup>2</sup> The Postal Service claims that if this information were publicly

---

<sup>1</sup> Application of United States Postal Service for Non-Public Treatment of Library Reference USPS-LR-N2012-1/NP7 (January 6, 2012).

<sup>2</sup> Id. at 2.

disclosed “it is quite likely that it would suffer commercial harm”<sup>3</sup> by permitting competitors to “gain specific insight into local Postal Service customer behavior; better gauge the size of the delivery market in specific service areas, and develop strategies for determining what marketing resources to devote to further penetration of specific local markets”<sup>4</sup> and requests that these materials “be withheld from persons involved in competitive decision-making in the relevant markets for competitive delivery products, as well as their consultants and attorneys.”<sup>5</sup>

On January 12, 2012, the Postal Service filed Library Reference USPS-LR-N2012-1/NP8, also accompanied by an Application for non-public treatment. The Postal Service explained that “the materials covered by this application consist of the portions of fourteen (14) Area Mail Processing (AMP) studies that estimate the annual mileage, annual cost, and cost per mile expected upon implementation of the AMP proposal.”<sup>6</sup> The Postal Service claims “that it is quite likely that it would suffer commercial harm. This information is clearly commercially sensitive to the Postal Service as a contractor of transportation services provided by third-parties”<sup>7</sup> and seeks to have the material withheld from disclosure to “persons involved in the negotiating and bidding processes for the provision of HCR transportation services to the Postal Service, as well as their consultants and attorneys.”<sup>8</sup>

While APWU does not dispute that commercially sensitive information, if disclosed to competitors, could result in commercial harm to the Postal Service, the APWU is not a competitor in the usual sense. The USPS and APWU Collective Bargaining Agreement has a number of provisions concerning the interplay between contracted and in-house transportation of mail that may result in APWU bargaining unit employees performing more or less transportation. The APWU contractual provisions and access to this information poses no risk to the commercial success of the Postal Service.

---

<sup>3</sup> Id. at 3.

<sup>4</sup> Id.

<sup>5</sup> Id. at 4.

<sup>6</sup> Application of the United States Postal Service for Non-Public Treatment of Library Reference USPS-LR-N2012-1/NP8 (January 12, 2012).

<sup>7</sup> Id. at 4.

<sup>8</sup> Id. at 5.

APWU is the exclusive collective bargaining representative of postal employees in the clerk, maintenance, and motor vehicle service crafts nationwide. APWU also mails millions of letters, periodicals, and packages each year and APWU members and retirees make extensive use of postal products and services. The changes proposed in this docket could have a significant impact on APWU represented employees and on the APWU and its members as a large user of the mail. Accordingly, APWU has intervened and will participate actively in this docket. APWU also intends to submit rebuttal testimony. Parties should be entitled to the material relied on by the Postal Service to fully evaluate the Postal Service's plan in this docket. We believe that the information presented in USPS-LR-N2012-1/NP7 and USPS-LR-N2012-1/NP8 will facilitate preparation of our rebuttal case, possible cross examination of postal witnesses and our arguments on brief at the conclusion on this case. Furthermore, APWU has regularly obtained non-public information filed with the Commission in numerous dockets, including the present case, without objection of the Postal Service. Therefore APWU respectfully requests access to Library References USPS-LR-N2012-1/NP7 and USPS-LR-N2012-1/NP8.

In accordance with 39 CFR 3007.40(b), APWU representatives, consultants and attorneys have completed a Statement of Compliance with Protective Conditions Certification, found in Appendix A to Part 3007 of Title 39 of the Code of Federal Regulations, for Library Reference USPS-LR-N2012-1/NP7 and for Library Reference USPS-LR-N2012-1/NP8 as follows:

**Both USPS-LR-N2012-1/NP7 and USPS-LR-N2012-1/NP8**

Phillip A. Tabbita,  
Manager, Negotiation Support and Special Projects  
American Postal Workers Union, AFL-CIO

Kathryn Kobe,  
Director of Price, Wage and Productivity Analysis ECS, LLC  
Economic Consultant for American Postal Workers Union, AFL-CIO

Darryl J. Anderson, Esq.  
O'Donnell, Schwartz & Anderson, PC  
Counsel for the American Postal Workers Union, AFL-CIO

Jennifer L. Wood, Esq.  
O'Donnell, Schwartz & Anderson, PC  
Counsel for the American Postal Workers Union, AFL-CIO

**USPS-LR-N2012-1/NP8 Only**

Robert M. Bloomer, Jr.  
American Postal Workers Union  
National Business Agent

William Mellen  
American Postal Workers Union  
National Business Agent

A copy of each Certification is attached hereto. The original Certifications will be promptly filed with the Commission. Persons identified by the Postal Service pursuant to Section 3007.2(c) have also been provided with a copy of this Motion and accompanying certifications today by email.

**Conclusion**

For the forgoing reasons, APWU respectfully requests that access to Library References USPS-LR-N2012-1/NP7 and USPS-LR-N2012-1/NP8 be granted to the above named individuals.

Respectfully submitted,

Jennifer L. Wood  
Counsel for American Postal Workers Union, AFL-CIO

## Statement of Compliance with Protective Conditions

The Postal Service has filed non-public materials identified as **USPS-LR-N2012-1/NP7** in Commission Docket No. **N2012-1**. The Postal Service requests confidential treatment of the materials (hereinafter “these materials”)

The following protective conditions apply to these materials identified as **USPS-LR-N2012-1/NP7** by the Postal Service. Each person seeking to obtain access to these materials must agree to comply with these conditions, complete the attached certifications, and provide the completed certifications to the Commission and counsel for the Postal Service.

1. Access to these materials is limited to a person as defined in 5(f), 39 CFR 3001.5(f), or an individual employed by such person, or acting as an agent, consultant, contractor, affiliated person, or other representative of such person for purposes related to the matter identified as **PRC Docket No. N2012-1**. However, no person involved in competitive decision-making for any entity that might gain competitive advantage from use of this information shall be granted access to these materials. “Involved in competitive decision-making” includes consulting on marketing or advertising strategies, pricing, product research and development, product design, or the competitive structuring and composition of bids, offers or proposals. It does not include rendering legal advice or performing other services that are not directly in furtherance of activities in competition with a person or entity having proprietary interest in the protected material.
2. No person granted access to these materials is permitted to disseminate them in whole or in part to any person not authorized to obtain access under these conditions.
3. Immediately after access has terminated under 39 CFR 3007.41 or 3007.51, a person (and any individual working on behalf of that person) who has obtained a copy of these materials shall certify to the Commission:
  - (a) That the copy was maintained in accordance with these conditions (or others established by the Commission); and
  - (b) That the copy (and any duplicates) either have been destroyed or returned to the Commission.
4. The duties of each person obtaining access to these materials shall apply to material disclosed or duplicated in writing, orally, electronically, or otherwise, by any means, format, or medium.

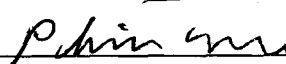
These duties shall apply to the disclosure of excerpts from or parts of the document, as well as to the entire document.

5. All persons who obtain access to these materials are required to protect the document by using the same degree of care, but no less than a reasonable degree of care, to prevent the unauthorized disclosure of the document as those persons, in the ordinary course of business, would be expected to use to protect their own proprietary material or trade secrets and other internal, confidential, commercially sensitive, and privileged information.
6. These conditions shall apply to any revised, amended, or supplemental versions of these materials provided in the matter identified as **PRC Docket No. N2012-1**.
7. The duty of nondisclosure of each person obtaining access to these materials is continuing, terminable only by specific order of the Commission, or as specified in paragraphs 9 and 10, below.
8. Each person granted access to these materials consents to these or such other conditions as the Commission may approve.
9. Any written materials that quote or contain materials protected under these protective conditions are also covered by the same protective conditions and certification requirements, and shall be filed with the Commission only under seal. Documents submitted to the Commission as confidential shall remain sealed while in the Secretary's office or such other place as the Commission may designate so long as they retain their status as stamped confidential documents.
10. If a court or other administrative agency subpoenas or orders production of confidential information which a person has obtained under the terms of this protective order, the target of the subpoena or order shall promptly (within 2 business days) notify the Postal Service of the pendency of the subpoena or order to allow it time to object to that production or seek a protective order.

### CERTIFICATION

The undersigned represents that:

Access to these materials provided in the matter identified as **USPS-LR-N2012-1/NP7** by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as **PRC Docket No. N2012-1**. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name	<u>Phillip Tabbita</u>
Firm	<u>APWU</u>
Title	<u>Mgr Negotiation Support</u>
Representing	<u>APWU</u>
Signature	<u></u>
Date	<u>1/13/2012</u>

### CERTIFICATION

The undersigned represents that:


Access to these materials provided in the matter identified as **USPS-LR-N2012-1/NP7** by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as **PRC Docket No. N2012-1**. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name	<u>Kathryn Kobe</u>
Firm	<u>Economic Consulting Services, LLC</u>
Title	<u>Director of Price, Cost, Productivity Analysis</u>
Representing	<u>APWU</u>
Signature	<u>Kathryn L Kobe</u>
Date	<u>1-10-12</u>

## CERTIFICATION

The undersigned represents that:

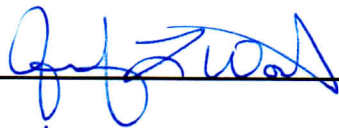
Access to these materials provided in the matter identified as **USPS-LR-N2012-1/NP7** by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as **PRC Docket No. N2012-1**. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name	Darryl J. Anderson
Firm	O'Donnell, Schwartz & Anderson, P.C.
Title	Attorney
Representing	APWU
Signature	
Date	1/12/12

### CERTIFICATION

The undersigned represents that:

Access to these materials provided in the matter identified as **USPS-LR-N2012-1/NP7** by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as **PRC Docket No. N2012-1**. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name	<u>Jennifer L. Wood</u>
Firm	<u>O'Donnell, Schwartz &amp; Anderson, P.C.</u>
Title	<u>Attorney</u>
Representing	<u>APWU</u>
Signature	<u></u>
Date	<u>January 10, 2012</u>

## Statement of Compliance with Protective Conditions

The Postal Service has filed non-public materials identified as **USPS-LR-N2012-1/NP8** in Commission Docket No. **N2012-1**. The Postal Service requests confidential treatment of the materials (hereinafter “these materials”)

The following protective conditions apply to these materials identified as **USPS-LR-N2012-1/NP8** by the Postal Service. Each person seeking to obtain access to these materials must agree to comply with these conditions, complete the attached certifications, and provide the completed certifications to the Commission and counsel for the Postal Service.

1. Access to these materials is limited to a person as defined in 5(f), 39 CFR 3001.5(f), or an individual employed by such person, or acting as an agent, consultant, contractor, affiliated person, or other representative of such person for purposes related to the matter identified as **PRC Docket No. N2012-1**. However, no person involved in competitive decision-making for any entity that might gain competitive advantage from use of this information shall be granted access to these materials. “Involved in competitive decision-making” includes consulting on marketing or advertising strategies, pricing, product research and development, product design, or the competitive structuring and composition of bids, offers or proposals. It does not include rendering legal advice or performing other services that are not directly in furtherance of activities in competition with a person or entity having proprietary interest in the protected material.
2. No person granted access to these materials is permitted to disseminate them in whole or in part to any person not authorized to obtain access under these conditions.
3. Immediately after access has terminated under 39 CFR 3007.41 or 3007.51, a person (and any individual working on behalf of that person) who has obtained a copy of these materials shall certify to the Commission:
  - (a) That the copy was maintained in accordance with these conditions (or others established by the Commission); and
  - (b) That the copy (and any duplicates) either have been destroyed or returned to the Commission.
4. The duties of each person obtaining access to these materials shall apply to material disclosed or duplicated in writing, orally, electronically, or otherwise, by any means, format, or medium.

These duties shall apply to the disclosure of excerpts from or parts of the document, as well as to the entire document.

5. All persons who obtain access to these materials are required to protect the document by using the same degree of care, but no less than a reasonable degree of care, to prevent the unauthorized disclosure of the document as those persons, in the ordinary course of business, would be expected to use to protect their own proprietary material or trade secrets and other internal, confidential, commercially sensitive, and privileged information.
6. These conditions shall apply to any revised, amended, or supplemental versions of these materials provided in the matter identified as **PRC Docket No. N2012-1**.
7. The duty of nondisclosure of each person obtaining access to these materials is continuing, terminable only by specific order of the Commission, or as specified in paragraphs 9 and 10, below.
8. Each person granted access to these materials consents to these or such other conditions as the Commission may approve.
9. Any written materials that quote or contain materials protected under these protective conditions are also covered by the same protective conditions and certification requirements, and shall be filed with the Commission only under seal. Documents submitted to the Commission as confidential shall remain sealed while in the Secretary's office or such other place as the Commission may designate so long as they retain their status as stamped confidential documents.
10. If a court or other administrative agency subpoenas or orders production of confidential information which a person has obtained under the terms of this protective order, the target of the subpoena or order shall promptly (within 2 business days) notify the Postal Service of the pendency of the subpoena or order to allow it time to object to that production or seek a protective order.

### CERTIFICATION

The undersigned represents that:

Access to these materials provided in the matter identified as **USPS-LR-N2012-1/NP8** by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as **PRC Docket No. N2012-1**. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name	<u>Phillip Tabbata</u>
Firm	<u>APWU</u>
Title	<u>Mgr. Negotiation Support</u>
Representing	<u>APWU</u>
Signature	<u>Phillip Tabbata</u>
Date	<u>1/13/2012</u>

## CERTIFICATION

The undersigned represents that:


Access to these materials provided in the matter identified as **USPS-LR-N2012-1/NP8** by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as **PRC Docket No. N2012-1**. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name	<u>Kathryn Kobe</u>
Firm	<u>ECS, LLC</u>
Title	<u>Director of Price, Cost, Productivity Analysis</u>
Representing	<u>APWU</u>
Signature	<u>Kathryn L Kobe</u>
Date	<u>Jan. 12, 2012</u>

### CERTIFICATION

The undersigned represents that:

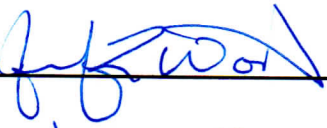
Access to these materials provided in the matter identified as **USPS-LR-N2012-1/NP8** by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as **PRC Docket No. N2012-1**. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name	<u>Darryl J. Anderson</u>
Firm	<u>O'Donnell, Schwartz &amp; Anderson, P.C.</u>
Title	<u>Attorney</u>
Representing	<u>APWU</u>
Signature	 <u></u>
Date	<u>1/13/12</u>

### CERTIFICATION

The undersigned represents that:

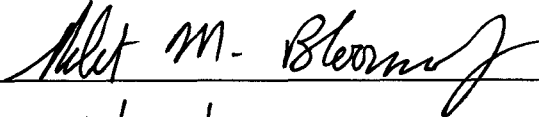
Access to these materials provided in the matter identified as **USPS-LR-N2012-1/NP8** by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as **PRC Docket No. N2012-1**. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name	<u>Jennifer L. Wood</u>
Firm	<u>O'Donnell, Schwartz &amp; Anderson, P.C.</u>
Title	<u>Attorney</u>
Representing	<u>APWU</u>
Signature	<u></u>
Date	<u>January 13 2012</u>

### CERTIFICATION

The undersigned represents that:

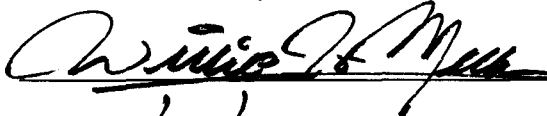
Access to these materials provided in the matter identified as **USPS-LR-N2012-1/NP8** by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as **PRC Docket No. N2012-1**. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name	<u>Robert m. Bloomer, Jr.</u>
Firm	<u>American Postal Workers Union</u>
Title	<u>National Business Agent</u>
Representing	<u>American Postal Workers Union</u>
Signature	<u></u>
Date	<u>1/13/12</u>

### CERTIFICATION

The undersigned represents that:

Access to these materials provided in the matter identified as **USPS-LR-N2012-1/NP8** by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as **PRC Docket No. N2012-1**. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name	<u>William Mellen</u>
Firm	<u>American Postal Workers Union</u>
Title	<u>National Business Agent, Clerk Division</u>
Representing	<u>American Postal Workers Union</u>
Signature	<u></u>
Date	<u>1/13/12</u>